

# FREEDOM COURT REPORTING

1

EXHIBIT

C

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

**ORIGINAL**

4  
5 CASE NUMBER: 2:06-cv-116-MEF

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 FIVE HUNDRED FORTY-THREE THOUSAND

10 ONE HUNDRED NINETY DOLLARS (\$543,190)

11 IN UNITED STATES CURRENCY,

12 Defendant.  
13  
14

## 15 DEPOSITION OF ANDY SUTLEY

16 In accordance with Rule 5(d) of  
17 The Alabama Rules of Civil Procedure as  
18 Amended, effective May 15, 1988, I,  
19 Virginia Denese Barrett, am hereby  
20 delivering to Mr. Bruce Maddox, the  
21 original transcript of the oral testimony  
22 taken on the 3rd day of October, 2007,  
23 along with exhibits.

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12 Defendant.  
13

## 14 S T I P U L A T I O N

15 IT IS STIPULATED AND AGREED by

16 and between the parties through their  
17 respective counsel, that the deposition of  
18 ANDY SUTLEY may be taken before Virginia  
19 Denese Barrett, Commissioner, at the  
20 offices of Bruce Maddox, 6728 Taylor Court,  
21 Montgomery, Alabama, on the 3rd day of  
22 October, 2007.

23 IT IS FURTHER STIPULATED AND

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1        AGREED that it shall not be necessary for  
2        any objections except as to form or leading  
3        questions, and that counsel for the parties  
4        may make objections and assign grounds at  
5        the time of the trial, or at the time said  
6        deposition is offered in evidence, or prior  
7        thereto.

8                    IT IS FURTHER STIPULATED AND  
9        AGREED that the notice of filing of the  
10       deposition by the Commissioner is waived.

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11 IN UNITED STATES CURRENCY,

12 Defendant.

13  
14  
15 BEFORE:

16 VIRGINIA DENESE BARRETT, Commissioner

17 UNITED STATES ATTORNEY'S OFFICE,

18 by Mr. John Harmon, Post Office Box 197,

19 Montgomery, Alabama 36101, appearing on

20 behalf of the Plaintiff.

21 LAW OFFICES OF BRUCE MADDOX, by

22 Mr. Bruce Maddox, 6728 Taylor Court,

23 Montgomery, Alabama 36117, appearing on

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1       behalf of the Defendant.

2                   PATRICK MAHANEY, ESQUIRE, by  
3       Mr. Patrick Mahaney, 505 South Perry  
4       Street, Montgomery, Alabama 36104,  
5       appearing on behalf of the Defendant.

6                   ALABAMA DEPARTMENT OF PUBLIC  
7       SAFETY, by Mr. Jack M. Curtis, 301 S.  
8       Ripley Street, Montgomery, Alabama 36104,  
9       appearing on behalf of the Alabama  
10      Department of Public Safety.

11      ALSO PRESENT:

12                  Mr. Joe Herman  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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1 MR. MADDOX: Are you going to  
2 want to read and sign the  
3 deposition?

4 MR. CURTIS: What that means is  
5 that you have the right  
6 before the deposition is  
7 official to read it if you  
8 want to and sign it to make  
9 sure that what you have said  
10 today is accurately  
11 reflected. Not that you can  
12 change anything. It's just  
13 to make sure that it's --  
14 you don't have to do that.  
15 You can trust the court  
16 reporter to take down  
17 everything that's said  
18 today. You can waive the  
19 reading and the signing.  
20 It's up to you as to whether  
21 you want to do that or not.

22 MR. SUTLEY: Whether I read and  
23 sign?

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1 MR. CURTIS: Right. So if you  
2 just want to on the record  
3 state whether you want to  
4 read or sign or whether you  
5 waive that.

6 MR. SUTLEY: I'll read and sign.

7 MR. MADDOX: Okay.

8 ANDY SUTLEY

9 The witness, having been first  
10 duly sworn or affirmed to speak the truth,  
11 the whole truth, and nothing but the truth,  
12 testified as follows:

13 EXAMINATION

14 BY MR. MADDOX:

15 Q. State your name for the record,  
16 please.

17 A. Andy Sutley.

18 Q. Mr. Sutley, how are you  
19 employed?

20 A. Department of Public Safety as  
21 a trooper.

22 Q. All right. And what rank do  
23 you hold?



## FREEDOM COURT REPORTING

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1 A. Trooper.

2 Q. Okay. How long have you been a  
3 state trooper?

4 A. Three and a half years.

5 Q. Okay. What did you do prior to  
6 becoming a state trooper?

7 A. Was a city police officer for  
8 the City of Dothan.

9 Q. All right. How long were you a  
10 police officer for Dothan?

11 A. Eight and a half years.

12 Q. What training did you have to  
13 qualify you to be a police officer or  
14 trooper?

15 A. Bachelor's degree from Troy  
16 State University. I also completed two  
17 different --

18 Q. What is that bachelor's degree  
19 in?

20 A. Criminal justice.

21 Q. Okay.

22 A. Also, I completed basic police  
23 academy and the trooper academy.

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## FREEDOM COURT REPORTING

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1 Q. Okay. Had any other training  
2 and experience that qualifies you to do the  
3 work that you do as a trooper these days?

4 A. I've been to numerous schools  
5 throughout the years.

6 Q. Tell me some of the schools  
7 you've been to.

8 A. Most of my career has been  
9 handling a dog. For the City of Dothan, I  
10 handled a bite dog and a drug dog and with  
11 the troopers.

12 Q. A bite dog?

13 A. Control dog. We send him into  
14 buildings and things like that.

15 Q. Okay. When you became a  
16 trooper, what year was that?

17 A. 2004.

18 Q. Okay. And what was your duty  
19 assignment when you first became a trooper  
20 after the academy?

21 A. Same as it is today. I was  
22 assigned to Montgomery County.

23 Q. Okay. And was it patrol duty

## FREEDOM COURT REPORTING

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1 or what?

2 A. Yes, sir.

3 Q. Were you a K-9 officer at that  
4 time?

5 A. No, sir.

6 Q. When did you become a K-9  
7 officer? I note the K-9 unit emblem on  
8 your uniform.

9 A. It's been March or April of  
10 last year.

11 Q. 2006?

12 A. That's right.

13 Q. Okay. Now, how did your duties  
14 change when you became a K-9 officer?

15 A. They didn't change a whole lot.  
16 They put me on a more on call status  
17 handling requests from other troopers,  
18 other agencies for the use of the drug dog.

19 Q. I didn't ask you this. Before  
20 Dothan, were you in law enforcement?

21 A. Before Dothan, yes, sir.

22 Q. Where were you in law  
23 enforcement?

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1 A. City of Enterprise.

2 Q. How long were you with the City  
3 of Enterprise?

4 A. About a year and a half.

5 Q. What was your employment  
6 capacity there?

7 A. I was just a patrol officer.

8 Q. Okay. Before that, were you in  
9 law enforcement?

10 A. City of Luverne.

11 Q. How long were you with the City  
12 of Luverne?

13 A. About eight months.

14 Q. As what?

15 A. Patrol officer.

16 Q. Prior to that, were you in law  
17 enforcement?

18 A. I was in college before that.

19 Q. And that was at Troy State?

20 A. Yes, sir.

21 Q. Okay. The training you've had  
22 since becoming a police officer, does it  
23 include narcotics training?

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1 A. Yes, sir.

2 Q. Tell me the training that  
3 you've had in the field of narcotics  
4 enforcement.

5 A. I've been to a lot of patrol  
6 officer response to narcotics. Really  
7 schools that deal with highway  
8 interdiction.

9 Q. Okay. For the record, explain  
10 what highway interdiction is.

11 A. Making a traffic stop and  
12 noting other things during the traffic stop  
13 that are not the normal.

14 Q. Okay. And is it a primary duty  
15 of yours to engage in highway interdiction?

16 A. Just basic traffic enforcement  
17 is what I do.

18 Q. Okay. Would you say that you  
19 have an inordinately high rate of narcotics  
20 and/or alleged narcotics fund recovery in  
21 your highway traffic enforcement?

22 A. Yes, sir.

23 Q. Okay. And is that because you

## FREEDOM COURT REPORTING

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1       tend to focus in that direction?

2           A.       No, sir.

3           Q.       It's not?

4           A.       No, sir.

5           Q.       Why do you have a dog?

6           A.       The experience that I had with  
7 the City, when the position came open, I  
8 applied for it and I was selected.

9           Q.       You mean with the City of  
10 Dothan?

11          A.       No, sir. When I came over with  
12 the State.

13          Q.       Yes, sir. But you said your  
14 experience with the City. You meant the  
15 City of Dothan?

16          A.       My experience as a dog handler  
17 with the City.

18          Q.       Of?

19          A.       Of Dothan.

20          Q.       Okay.

21          A.       I feel like that was the reason  
22 I was chosen for the state dog handler  
23 position.

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15

1 Q. You are the state dog handler?

2 A. One.

3 Q. One. How many are there?

4 A. Thirteen.

5 Q. Thirteen. How many -- you work  
6 out of the Montgomery post; is that right?

7 A. Yes, sir.

8 Q. How many dog handlers are there  
9 with the Montgomery post?

10 A. Just one.

11 Q. Just one. As a dog handler,  
12 you have to become accustomed to your dog  
13 more than anybody else would?

14 A. Yes, sir.

15 Q. In fact, the reactions and  
16 responses, actions, reactions and responses  
17 of the dog are subject to your  
18 interpretation more than anybody else's; is  
19 that right?

20 A. Yes.

21 Q. It's because the two of you  
22 have to train together so that you both  
23 understand what each other is trying to

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1 accomplish?

2 A. Yes, sir.

3 Q. Okay. The highway interdiction  
4 that you engage in, do you belong to any  
5 organizations related to narcotics  
6 interdiction, highway interdiction or  
7 anything of that nature?

8 A. No, sir.

9 Q. Do you belong to any narcotics  
10 officer organizations?

11 A. No, sir.

12 Q. Okay. Prior to the time you  
13 became a dog officer, how did you become as  
14 heavily involved in highway interdiction as  
15 opposed to simple traffic enforcement as  
16 you worked?

17 A. I was just getting out and  
18 working, getting my dog out of the car.

19 Q. I was talking about prior to  
20 the time that you became a dog K-9 officer  
21 with the state troopers.

22 A. How did I get into it?

23 Q. No, sir. I'll try again.

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## FREEDOM COURT REPORTING 17

1 Prior to the time you became a K-9 officer  
2 with the state troopers, you were simply a  
3 patrol officer with the state troopers?

4 A. With the State, right.

5 Q. Right. During that time you  
6 engaged in highway interdiction and had an  
7 inordinate amount of success in recovering  
8 narcotics or funds that you contended were  
9 tied to narcotics?

10 MR. HARMON: Object to form. You  
11 can go ahead and answer.

12 A. Right.

13 Q. But you've previously said  
14 that, haven't you?

15 MR. HARMON: Object to form.

16 A. Yes.

17 Q. Now, the period of time prior  
18 to becoming a K-9 officer, how do you  
19 attribute -- withdraw that. Between  
20 joining the state troopers and doing that,  
21 your focus on interdiction, why was that?

22 A. There was no focus on anything.  
23 It was just as it is today with everybody

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18

1 else. It's traffic enforcement.

2 Q. All right. When you're sitting  
3 by the highway and a vehicle comes by --

4 (Brief interruption)

5 Q. When you're sitting by the  
6 highway and you see a vehicle come by that  
7 you determine you have an interest in, how  
8 do you go about doing that? What kind of  
9 triggers do you have that make you become  
10 interested in a vehicle for interdiction  
11 purposes?

12 A. I don't think there's anything  
13 for an interdiction purpose. The only  
14 thing I use is a traffic violation.

15 Q. Okay. So unless you see a  
16 traffic violation, you don't become  
17 involved with other vehicles?

18 A. Not normally.

19 Q. Not normally. Okay. Let's  
20 talk about your history a little bit more.  
21 What city do you reside in?

22 A. Montgomery.

23 Q. Are you engaged in any other

## FREEDOM COURT REPORTING 19

1 employment other than as a state trooper?

2 A. I own a lawn and landscape  
3 business.

4 Q. What's the name of that  
5 business?

6 A. Capital Lawn Care.

7 Q. Okay. Are you married?

8 A. Yes.

9 Q. Okay. Is your wife employed?

10 A. Yes.

11 Q. Where is she employed?

12 A. Montgomery City Schools.

13 Q. In what capacity?

14 A. Teacher.

15 Q. Teacher. All right. Now, the  
16 -- do you have children?

17 A. Yes.

18 Q. How many?

19 A. One.

20 Q. Okay. Have you been married  
21 previously?

22 A. No.

23 Q. Okay. And has your wife been

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1 married previously?

2 A. No.

3 Q. Okay. The lawn care business,  
4 do you do any lawn care for any judicial  
5 officials or with the State of Alabama or  
6 the federal government?

7 A. No.

8 Q. Okay. Let's talk about August  
9 29th, 2005. You have studied your report  
10 regarding that day?

11 A. I looked over it.

12 Q. Okay. When did you do that?

13 A. Yesterday.

14 Q. And with whom did you do that?

15 A. Mr. Harmon.

16 Q. Okay. That report is -- that's  
17 something that you wrote yourself, or did  
18 you dictate it? How did that come about?

19 A. Original report I wrote. And  
20 the one I looked at in the report was  
21 transferred by someone else.

22 Q. Transferred. Okay.

23 (Whereupon Defendant's Exhibit 1

## FREEDOM COURT REPORTING

21

1                   was marked for identification  
2                   and attached to the original  
3                   transcript.)

4           Q.       Let me show you an item marked  
5           as Defendant's Exhibit 1. Is that the  
6           report you reviewed yesterday?

7           A.       No.

8           Q.       Is that the report you wrote?

9           A.       Yes.

10          Q.       Okay. Now, did you write it  
11          yourself, or did you tell someone what  
12          happened and they wrote it for you?

13          A.       This is a copy of the one I  
14          wrote myself.

15          Q.       Okay.

16                   (Whereupon Defendant's Exhibit 2  
17                   was marked for identification  
18                   and attached to the original  
19                   transcript.)

20          MR. HARMON: Can I see it just a  
21                   minute?

22          MR. MADDOX: Sure.

23          MR. HARMON: Thank you.

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1 Q. Let me show you an item marked  
2 as Defendant's Exhibit Number 2. Is that  
3 the report you reviewed?

4 A. I believe this is -- there were  
5 several in the case file I looked at.

6 Q. So you looked at all the  
7 reports?

8 A. I didn't look at all of them.

9 Q. Okay. Do I understand  
10 correctly, though, you never looked at the  
11 one you wrote?

12 A. Not that exact copy.

13 Q. Okay.

14 A. I think what it was, somebody  
15 typed that and then added some other  
16 information towards the end.

17 Q. Is there another report that is  
18 yours other than this one?

19 A. No, sir.

20 Q. All right.

21 MR. HARMON: Is that Exhibit 2,  
22 Bruce, right there he's  
23 looking at?

## FREEDOM COURT REPORTING

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1 MR. MADDOX: That's Exhibit 2.

2 John, can you tell me  
3 what he was talking about  
4 that he looked at that is  
5 his that was something added  
6 to it?

7 MR. HARMON: It may be like the  
8 DEA referral report to me.  
9 It might have come to me as  
10 a file for litigation. I  
11 think that's what he was  
12 looking at.

13 MR. MADDOX: Okay.

14 (Whereupon Defendant's Exhibit 3  
15 was marked for identification  
16 and attached to the original  
17 transcript.)

18 Q. Let me show you an item marked  
19 as Defendant's Exhibit 3.

20 MR. MADDOX: Let me show you,  
21 John, first.

22 Q. This item marked as Defendant's  
23 Exhibit 3, is that what you looked at

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1 yesterday or one of the things you looked  
2 at?

3 A. Yes. It's one of the reports I  
4 looked over.

5 Q. Okay. And the one that was  
6 Defendant's Exhibit 2, did I understand you  
7 correctly that's one of the ones you looked  
8 over?

9 A. I think it is. I think I  
10 remember seeing that one.

11 Q. All right, sir. Did you find  
12 any inaccuracies in those that you looked  
13 over?

14 A. No, sir.

15 Q. Okay.

16 MR. MADDOX: John, I'm going to  
17 offer 1, 2 and 3 as exhibits  
18 to this deposition.

19 MR. HARMON: No objection from  
20 the United States.

21 MR. CURTIS: No objection.

22 Q. Now, the stop that you made  
23 involved in this case --



## FREEDOM COURT REPORTING

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1 MR. HARMON: That would have been  
2 the 29th.

3 MR. MADDOX: Yes. Yes.

4 Q. On August 29th, 2005 around  
5 seven p.m., where were you when you first  
6 observed the vehicle that you wound up  
7 searching?

8 A. I was turning around at the  
9 county line on I-85.

10 Q. Montgomery County line?

11 A. Uh-huh.

12 Q. And about what exit is that?

13 A. It's just past the Waugh exit,  
14 exit sixteen.

15 Q. Okay. Where were you coming  
16 from when you were turning around?

17 A. I was coming from exit sixteen  
18 and headed toward the Macon County line.

19 Q. Okay. And was it normal patrol  
20 or did you have some purpose beyond that,  
21 going somewhere specifically?

22 A. Just normal patrol.

23 Q. Okay. So you were turning

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1 around in the median?

2 A. That's right.

3 Q. Is it one -- is it one of those  
4 drive across things that you troopers turn  
5 through periodically on interstates?

6 A. Yes, sir.

7 Q. Okay. You didn't actually  
8 leave a ramp and go up on it?

9 A. No, sir.

10 Q. Okay. What did you observe?

11 A. Right whenever I was turning  
12 in, there was one vehicle coming south. It  
13 was the suspect's vehicle.

14 Q. Suspect's vehicle. What did  
15 you observe about it that made it a  
16 suspect?

17 A. Well, it would eventually be  
18 the suspect's vehicle.

19 Q. Suspect. The suspect would be  
20 who?

21 A. Ms. Sandoval and Kiki. I can't  
22 remember his complete name.

23 Q. Which reminds me, have you had

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1 any training in the Spanish language?

2 A. Yes.

3 Q. Tell me what training you've  
4 had in the Spanish language.

5 A. At the regional counter drug  
6 training academy in Meridian, Mississippi.

7 Q. When?

8 A. I've had -- I've been numerous  
9 times throughout the year over there.

10 Q. Do you get Spanish training  
11 every time you go?

12 A. Not every time, I don't  
13 believe.

14 Q. Do they teach you to pronounce  
15 Spanish words and names?

16 A. Some of them, yes.

17 Q. Describe the Spanish training  
18 that you have. What do they teach you?

19 A. Basically just for use on the  
20 roadside.

21 Q. Okay. What kind of things do  
22 you need to use on the roadside?

23 A. Telling people to get out of

# FREEDOM COURT REPORTING

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1 the car or asking them for their license or  
2 paperwork on the car, things like that.

3 Q. How would you say get out of  
4 the car in Spanish the way they taught you?

5 A. I can't remember what get out  
6 of the car is.

7 Q. Okay.

8 A. I don't use it a whole lot.

9 Q. What else do you say to them in  
10 Spanish?

11 A. I ask for their license.

12 Q. How do you say that?

13 A. Lucencia.

14 Q. Just one word?

15 A. Yes.

16 Q. And lucencia?

17 A. Yes.

18 Q. How would you spell that?

19 A. I believe it's L-U-C-E-N-C-I-A.

20 Q. Okay. Do they teach you words  
21 having to do with drugs?

22 A. Yes.

23 Q. What have you learned about

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1 words related to drugs? What words do you  
2 use?

3 A. Drugs in Spanish is drugos.

4 Q. Drugos?

5 A. (Witness nodding head in the  
6 affirmative.)

7 Q. How would you spell that?

8 A. D-R-U-G-O-S.

9 Q. Okay. Any other words related  
10 to drugs or alcohol or anything like that?

11 A. Cerveza.

12 Q. Cerveza. And that is?

13 A. Alcohol.

14 Q. Beer. Works for either?

15 A. I've never had a problem asking  
16 that question and getting a response.

17 Q. I see. All right. The report  
18 you wrote indicates that --

19 MR. HARMON: Which exhibit is  
20 this, Bruce, you're talking  
21 about?

22 MR. MADDOX: I believe it's  
23 Defendant's Exhibit 1.

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1 MR. HARMON: Okay.

2 Q. Well, let's just back up.  
3 Forget the report. You saw this car, the  
4 suspect's vehicle come by. And you said  
5 the suspect turned out to be Sandoval and  
6 somebody else?

7 A. (Witness nodding head in the  
8 affirmative.)

9 Q. Do you know who it was, who the  
10 other suspects were besides Sandoval?

11 A. Can you hand me the Exhibit 1?

12 Q. Sure.

13 A. And I'll tell you the name.

14 Q. Here you go.

15 A. Barajas.

16 Q. Barajas. Okay. Who else?

17 A. And the driver was

18 Ms. Sandoval.

19 Q. Anybody else in the car?

20 A. Mario Martinez was in the front  
21 seat.

22 Q. Okay. Was he a suspect, too?

23 A. He would be in smuggling this

# FREEDOM COURT REPORTING 31

1 drug money.

2 Q. But was he?

3 A. Yes.

4 Q. Okay. And they were suspected  
5 of what?

6 A. Smuggling drug money.

7 Q. Smuggling drug money. When did  
8 they become suspects of smuggling drug  
9 money?

10 A. When I found a half a million  
11 dollars in the back seat.

12 Q. In the back seat?

13 A. In the rear cargo area of the  
14 SUV.

15 Q. Okay. The point in time that  
16 you saw the car, what was the weather like?

17 A. It was real cloudy. The wind  
18 was blowing a little bit.

19 Q. It had been raining some?

20 A. I think it had rained a little  
21 bit, but it wasn't at that time.

22 Q. It was when Hurricane Katrina  
23 was passing through the southland, wasn't

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1 it?

2 A. That's right.

3 Q. And we were getting rains in  
4 the Montgomery County area related to that  
5 weather system, weren't we?

6 A. It was right at the beginning  
7 of whenever we were starting to get the  
8 rain.

9 Q. Okay. And it would get worse  
10 later?

11 A. Yes.

12 Q. Okay. You saw the car go by.  
13 What did you observe about it, the SUV?

14 A. The first thing I noticed was  
15 that the speed of the vehicle dropped, the  
16 speed limit being seventy right there. And  
17 as we continued on south, it would go from  
18 fifty to sixty up and down weaving back and  
19 forth across the road.

20 Q. Across the road?

21 A. Across its lane of travel.

22 Q. Across its lane of travel. Did  
23 it ever leave the lane of travel?



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1 A. Yes.

2 Q. So it wove to and from one lane  
3 to the other?

4 A. That's right.

5 Q. Okay. The -- when they passed  
6 you, were you readily visible out in the  
7 median there crossing making your turn?

8 A. Yes.

9 Q. So it would be safe to assume  
10 that the driver saw you as they went by,  
11 wouldn't it?

12 MR. HARMON: Object to form. You  
13 can answer.

14 A. Yes.

15 Q. Sir?

16 A. Yes.

17 Q. Okay. In fact, you think they  
18 did, don't you?

19 MR. HARMON: Object to form. You  
20 can answer.

21 A. Yes.

22 Q. Okay. Just so you'll  
23 understand, when he objects, it's something

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1 we'll worry about later. You can go ahead  
2 and answer questions unless your lawyer  
3 tells you not to. Okay?

4 A. Okay.

5 Q. Now, is it unusual for people  
6 to slow down when they pass a state  
7 trooper?

8 A. Not in that manner.

9 Q. It's not unusual to do that.  
10 Now, the -- is it unusual for people to  
11 slow down enough that they hope you'll go  
12 ahead and pass them?

13 A. Is it usual or unusual?

14 Q. Unusual.

15 A. Not on the interstate. A lot  
16 of times people come by running eighty and  
17 never slow down.

18 Q. Go right by you?

19 A. Go right by me. Happened last  
20 night.

21 Q. Okay. Okay. Now, what did you  
22 observe about the passengers in the  
23 vehicle? The occupants of the vehicle is a

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1 better word.

2 A. I couldn't see the occupants in  
3 the vehicle.

4 Q. Why couldn't you see them?

5 A. They had already gotten past me  
6 as I was turning around.

7 Q. Oh, so you didn't see them as  
8 they were passing. You saw them after they  
9 passed?

10 A. I didn't see the occupants  
11 until I got up to the vehicle.

12 Q. Uh-huh. My question, though,  
13 is did you see the vehicle before it passed  
14 you?

15 A. I saw the vehicle.

16 Q. Okay. Could you see through  
17 the windows?

18 A. Not at that time.

19 Q. Okay. A law enforcement  
20 officer is supposed to try to determine who  
21 occupies the vehicle if they're observing  
22 it if nothing else for safety sake, are  
23 they not?

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1 MR. HARMON: Object to form.

2 A. Well, that's a broad question,  
3 you know.

4 Q. Well, can you give me a broad  
5 answer?

6 A. Well, I can go right out there  
7 on the interstate right now and I won't  
8 tell you who occupies every vehicle that  
9 goes by me.

10 Q. Right. So the vehicle goes by  
11 you. It's weaving lane to lane and slowing  
12 down to fifty and sixty miles an hour?

13 A. (Witness nodding head in the  
14 affirmative.)

15 Q. All right. Was it weaving lane  
16 to lane illegally, improperly?

17 A. Yes.

18 Q. Okay. And you got into the  
19 roadway. What happened?

20 A. I continued south on the inside  
21 lane.

22 Q. When you say inside lane, you  
23 mean the lane closest to the median?

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1 A. Right.

2 Q. Okay. The outside lane would  
3 be the right-hand lane. The inside lane  
4 would be the left lane?

5 A. Right.

6 Q. Okay. You're in the left lane.  
7 They're in the right lane going south on  
8 I-85 in Montgomery County, Alabama?

9 A. Right.

10 Q. What happened?

11 A. It continued drifting back and  
12 forth going across the fog line, speeding  
13 up, slowing down.

14 Q. What's the fog line?

15 A. White line on the outside lane.

16 Q. Okay. Did it weave into your  
17 lane?

18 A. Yes. It did go across the  
19 broken white line in the middle of the  
20 road.

21 Q. Okay. And what happened then?

22 A. I was getting ready to pull  
23 behind the vehicle. When I did, another

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1 vehicle came up in the outside lane.

2 Q. Why were you going to pull  
3 behind the vehicle?

4 A. I was about to make a traffic  
5 stop.

6 Q. For? For what?

7 A. To make sure that the driver  
8 wasn't drunk or falling asleep or having  
9 some kind of medical condition.

10 Q. Okay.

11 A. Something was causing this  
12 vehicle to drive as it was.

13 Q. So you got behind it or were  
14 about to get behind it with the intention  
15 of stopping it by turning on your blue  
16 lights?

17 A. Right.

18 Q. Okay. What happened then?

19 A. The car came up in the outside  
20 lane. I don't know if it saw that the  
21 vehicle was going as slow as it was. And  
22 it appeared that it was traveling about  
23 seventy miles an hour. So I turned on my

## FREEDOM COURT REPORTING 39

1 back lights only to slow that vehicle down.

2 Q. Okay. And what happened then?

3 A. Turned my lights back off. The  
4 vehicle started slowing down. And as I got  
5 ready to pull over behind the vehicle to  
6 make a stop, they pulled over into the  
7 emergency lane or they slowed down.

8 Q. Who pulled over into the  
9 emergency lane?

10 A. Ms. Sandoval's vehicle.

11 Q. Okay. So by emergency lane,  
12 you mean off the road across the fog line?

13 A. Between the fog and the grass.

14 Q. Okay. Side of the road?

15 A. Right.

16 Q. Okay. Where you would normally  
17 expect them to stop if you were stopping  
18 them?

19 A. Right.

20 Q. Okay. As she pulls over there,  
21 then what happens?

22 A. I exited the roadway because  
23 they had slammed on brakes and started to

## FREEDOM COURT REPORTING

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1 pull over. So I pulled all the way over to  
2 open up the left lane for the Camry or  
3 whatever vehicle was coming up behind so it  
4 wouldn't rear end both of us so it could  
5 have a passing lane.

6 Q. Okay. Then what happened?

7 A. I turned my back lights back on  
8 and got out of the car and walked up.

9 Q. Okay. What traffic laws had  
10 they violated at that point?

11 A. Impeding the flow of traffic.

12 Q. How so?

13 A. Well, causing me and the other  
14 vehicle to have to slow down enough for me  
15 to avoid an accident with them and the  
16 other vehicle had to slow down to keep from  
17 hitting both of us.

18 Q. You didn't tell me about that.  
19 You said that you were about to get over  
20 and turn your back blue lights on. The  
21 Camry dropped back and she slammed on  
22 brakes and pulled over. What caused an  
23 accident there or almost did?

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1           A.       By her slamming on brakes in  
2       the middle of the road like she did.

3           Q.       Who was so close behind her  
4       that they almost hit her?

5           A.       Me.

6           Q.       You.   Would it be fair to say  
7       you were following too closely?

8           A.       If I had been, I would have hit  
9       her.

10          Q.       But you had to go -- other than  
11       slowing down, what reaction did you have to  
12       it?

13          A.       I had to move over to the  
14       emergency lane.

15          Q.       At the time you were pulling  
16       her over, it was your intention that she  
17       stop and pull over, wasn't it?

18          A.       Not at that time. I hadn't  
19       turned on my lights.

20          Q.       What was your purpose in  
21       getting -- trying to get behind the  
22       vehicle?

23          A.       I was preparing to make a

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1 traffic stop, but it never got to that.

2 Q. Do you know whether or not the  
3 occupants of that vehicle could have seen  
4 your rear lights reflected off the Camry or  
5 anything like that?

6 A. No.

7 Q. Blue lights?

8 A. Not at that time. It was still  
9 good daylight.

10 Q. But cloudy?

11 A. Cloudy.

12 Q. And raining?

13 A. It wasn't raining.

14 Q. Okay. You don't think they  
15 could have --

16 MR. HARMON: Object to form.

17 Q. -- seen the blue lights or the  
18 reflection of them or anything?

19 A. No.

20 Q. Okay. The -- you don't -- do  
21 you know whether they could see you in rear  
22 view mirrors or anybody looking back?

23 A. I can't testify to what they

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1 saw or what they thought.

2 Q. The vehicle had windows you  
3 could see through, didn't it?

4 A. Their vehicle?

5 Q. Uh-huh.

6 A. They did. The windows were  
7 tinted.

8 Q. Could you see the people inside  
9 when you moved beside to get behind them?

10 A. No, sir.

11 Q. You couldn't see anybody doing  
12 anything?

13 A. No, sir.

14 Q. So you couldn't tell whether  
15 they were looking back at you or anything  
16 like that?

17 A. No, sir.

18 Q. Okay. But your purpose in  
19 doing what you were doing was to get them  
20 to stop and pull over?

21 A. My purpose was about to be to  
22 conduct a traffic stop, but the things that  
23 happened prevented that.

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1 Q. Prevented a traffic stop?

2 A. Uh-huh.

3 Q. I mean, they did what you  
4 wanted them to do, didn't they?

5 A. I didn't turn my lights on.  
6 They pulled over on their own.

7 Q. But you wanted them to, didn't  
8 you?

9 A. I was about to make a traffic  
10 stop, but we never got that far.

11 Q. I think that answers my  
12 question, but let's put it in plain  
13 English. You wanted them to slow down,  
14 pull over and stop on the side of the road,  
15 didn't you?

16 MR. HARMON: Object to form.

17 A. If I had turned my lights on,  
18 that would have been what I wanted them to  
19 do. All I was doing was making a lane  
20 change.

21 Q. Were you going to turn your  
22 lights on?

23 A. Eventually.

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1 Q. Eventually. Okay. And that's  
2 because you had decided to have them pull  
3 over beside the road and stop, wasn't it?

4 A. That was my intention.

5 Q. All right. And they did what  
6 you wanted before you felt you adequately  
7 signaled them to, didn't they?

8 A. No. They didn't do what I  
9 wanted. I didn't want them to slam on  
10 brakes and almost cause a pileup on the  
11 interstate. That is not what I wanted.

12 Q. Who almost piled up on the  
13 interstate?

14 A. Me and possibly the car behind  
15 me.

16 Q. Okay. How did their -- you  
17 hadn't gotten behind them yet when they  
18 slammed on brakes?

19 A. I was in the process of  
20 starting to make my lane change.

21 Q. How far behind them were you?

22 A. Probably about seventy-five  
23 feet.

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1 Q. Not a car length?

2 A. No.

3 Q. Okay. When the vehicle  
4 stopped, you said you pulled up behind it  
5 and turned your rear blue lights on again.  
6 You got out of your vehicle?

7 A. Uh-huh.

8 Q. Did anyone get out of that  
9 vehicle?

10 A. No, sir.

11 Q. What happened next?

12 A. I walked up on the passenger  
13 side of the vehicle and asked the driver,  
14 Ms. Sandoval, if she was okay.

15 Q. And then what happened?

16 A. I don't remember word for word  
17 what was said. But I think I would ask for  
18 her driver's license and eventually ask for  
19 the paperwork on the vehicle.

20 Q. Did she seem okay?

21 A. Well, she seemed very jittery,  
22 very nervous.

23 Q. When you approached her and

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1 asked her if she was okay, she was still in  
2 her car?

3 A. Yes.

4 Q. And she gave you her driver's  
5 license still sitting in the car?

6 A. I really don't remember if she  
7 gave it to me in the car or outside.

8 Q. Okay. How did she get outside  
9 of her car?

10 A. I think I would eventually ask  
11 her to come to the back of the car.

12 Q. How did you do that?

13 A. Would you come to the back of  
14 the car?

15 Q. Did you gesture like you just  
16 did with your hand?

17 A. And said, Come to the back of  
18 the car.

19 Q. Could you tell whether she  
20 spoke English at that point?

21 A. At that point she was  
22 responding to everything I said in English.

23 Q. Okay. And you got her to the

## FREEDOM COURT REPORTING

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1 back of the car. What happened next? And  
2 by back of the car, you mean the back of  
3 her car?

4 A. Right.

5 Q. Between your car and hers?

6 A. Right.

7 Q. Okay. What happened then?

8 A. I think I would ask her, you  
9 know, why she was driving the way she was  
10 or something to that effect.

11 Q. And what did she say?

12 A. I don't remember what she said.

13 Q. What happened next?

14 A. I believe we would have -- I  
15 think that's when it started raining. And  
16 I said, Let's get out of the rain. You can  
17 sit in the front of my car.

18 Q. Okay. What happened next?

19 A. And I checked her, ran her  
20 license, and I think I checked on  
21 registration of the car.

22 Q. Was her license okay?

23 A. I believe so.



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1 Q. Okay. What state was it from?

2 A. California.

3 Q. Okay. Did you check the  
4 registration of the car?

5 A. I'm sure I did.

6 Q. Who was it registered to?

7 A. I think it was registered to  
8 her.

9 Q. Okay. Did you make notes of  
10 these things as you were doing them?

11 A. Not on paper. Just mentally.

12 Q. Mentally. Okay. So the  
13 license was okay and the car registration  
14 was okay as far as you could tell?

15 A. I think so.

16 Q. Okay. What happened next?

17 A. I think I eventually asked her  
18 about having anything in the vehicle.

19 Q. Did you write her a citation or  
20 anything?

21 A. A warning.

22 Q. A warning for what?

23 A. Impeding traffic.

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1 Q. Okay. You said you eventually  
2 asked her about anything in the vehicle?

3 A. Uh-huh.

4 Q. During that eventually, what  
5 happened?

6 A. All I was doing was writing the  
7 warning waiting for the information to come  
8 back through NCIC.

9 Q. Okay. Did you finish the  
10 warning when you got all the information  
11 through NCIC?

12 A. At some point I finished it up  
13 there.

14 Q. Okay. Did she sign it?

15 A. Yes.

16 Q. Okay. And what did you do with  
17 it then?

18 A. I gave her a copy.

19 Q. What did you do next?

20 A. I think I started filling out  
21 the consent to search form.

22 Q. Consent to search form?

23 A. Uh-huh.

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1 Q. Why did you do that?

2 A. Because I'd asked her about  
3 having anything illegal in the vehicle and  
4 asked her for her permission to search the  
5 car.

6 Q. When had you done that?

7 A. At some time after writing the  
8 warning.

9 Q. Okay. So you finished the  
10 warning and then you started asking her  
11 questions about things in the car?

12 A. Right.

13 Q. Tell me what you asked her.

14 A. I asked her -- I think I asked  
15 her if she had been drinking and asked her  
16 was there any alcohol in the car, cerveza.

17 Q. Was there anything about her  
18 that indicated she'd been drinking?

19 A. Not at that point.

20 Q. Did you perform any field  
21 sobriety tests or anything of that nature?

22 A. No, sir.

23 Q. Okay. What did she say when

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1       you asked her about cerveza?

2               A.       She looked me eye to eye and  
3       said no.

4               Q.       Okay. And what did you ask her  
5       next?

6               A.       I asked her if there was any  
7       drugs in the vehicle.

8               Q.       How did you do that?

9               A.       Is there any drugs in the  
10       vehicle and then I said any drugos in the  
11       vehicle.

12              Q.       Drugos. Okay. And what did  
13       she say?

14              A.       She looked at me and said no.

15              Q.       Okay. What happened next?

16              A.       I asked her if there was any  
17       money in there in the vehicle.

18              Q.       And what did she say?

19              A.       She looked away and looked down  
20       and didn't answer me.

21              Q.       What happened next?

22              A.       I asked her again, and she  
23       said, My English is not that good.

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1           Q.       You had finished writing her a  
2 warning ticket and were asking her these  
3 questions about beer and drugs and money  
4 and that sort of thing. Why were you  
5 detaining her after having finished the  
6 ticket?

7           A.       Well, from when I was up at the  
8 car the first time, Mr. Barajas who was  
9 pretending to be asleep in the back seat  
10 looked like he just got through running a  
11 marathon he was breathing so heavily. And  
12 she couldn't tell me where she was coming  
13 from in Florida. She was headed back to  
14 California. She was way off route coming  
15 from South Florida going back to  
16 California, so I felt that that was  
17 something.

18           Q.       She said that she was coming  
19 from Florida going to California?

20           A.       Right.

21           Q.       Where was Hurricane Katrina at  
22 that time?

23           A.       I don't know.

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1 Q. Coming from Florida to go to  
2 California, you'd think you'd catch I-10  
3 and drive across, wouldn't you?

4 A. Right.

5 Q. But Katrina was in the way and  
6 I-10 was closed. You knew that, didn't  
7 you?

8 MR. HARMON: Object to the form.

9 A. No, sir.

10 Q. You didn't know that?

11 A. No, sir.

12 Q. Okay. Do you know where  
13 Katrina hit?

14 A. No, sir.

15 Q. You don't know that Katrina hit  
16 New Orleans?

17 A. Oh, yes. It hit New Orleans.  
18 Of course. Everybody knows that.

19 Q. Well, you made me wonder for a  
20 minute.

21 A. See if you was still awake.

22 Q. Yes, sir. And does I-10 run  
23 through that area?

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1 A. Yes, sir.

2 Q. With Katrina in the Gulf, would  
3 you have left Florida and gone across I-10  
4 at that time?

5 A. You know, at that time I don't  
6 know where they were at when the hurricane  
7 was approaching the United States. And I  
8 can't testify. I'm not a meteorologist. I  
9 don't know where the hurricane was, where  
10 the eye was, where the walls were.

11 Q. In other words, that day you  
12 didn't have any clue where Hurricane  
13 Katrina was?

14 A. I was in Montgomery. That was  
15 my concern.

16 Q. And the people in Montgomery  
17 weren't paying attention to where Hurricane  
18 Katrina was?

19 MR. HARMON: Object to form.

20 Q. Is that right?

21 A. I can't testify to what people  
22 in Montgomery thought.

23 Q. Yes, sir. Well, did you know

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1        what was causing the rain systems you were  
2        dealing with that day?

3            A.        No, sir.

4            Q.        You just knew it was raining?

5            A.        That's right.

6            Q.        Okay. All right. Now, do you  
7        know what day Hurricane Katrina hit New  
8        Orleans?

9            A.        Not right off.

10          Q.        Okay. The questioning you were  
11        doing, you said at a certain point she said  
12        she didn't speak good English. And, in  
13        fact, you were using Spanish words to ask  
14        her questions like cerveza and drugos  
15        except you said drugos or something like  
16        that?

17          A.        I was asking English and  
18        Spanish.

19          Q.        English and Spanish. Okay.  
20        You would say key words in Spanish and she  
21        would respond, right?

22          A.        Right.

23          Q.        Okay. And you don't speak a



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1 lot of Spanish, do you?

2 A. No, sir.

3 Q. You can't put together an  
4 actual sentence in the Spanish language,  
5 can you?

6 A. Sure. I've got a card that has  
7 many sentences I can read off of.

8 Q. But you can't do it?

9 A. Yes, sir. I can read that and  
10 put those sentences together.

11 Q. Well, without the card, you  
12 can't do it, can you?

13 A. Sure.

14 Q. You can?

15 A. Uh-huh.

16 Q. Give me a Spanish sentence.

17 A. Los papelas nen lel auto.

18 Q. What is that?

19 MR. HARMON: That is a question.

20 But my question is how is  
21 she going to transcribe his  
22 response?

23 Q. Spell it for us. What's the

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1 first word of that sentence?

2 A. Los. Paperwork for the vehicle  
3 is what it means.

4 Q. How do you -- how do you spell  
5 the first word?

6 A. L-O-S.

7 Q. L-O-S. What's the next word?

8 A. Papelas.

9 Q. Spell it.

10 A. P-A-P-E-L-A-S.

11 Q. Okay. What's the next word?

12 A. N-E-N.

13 Q. Okay.

14 A. L-E-L.

15 Q. Yeah.

16 A. Auto.

17 Q. Auto. Okay. And that's a  
18 sentence?

19 A. Yes.

20 Q. How do you translate it?

21 A. Where's the paperwork for the  
22 car?

23 Q. Spanish word for where is

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1       donde. I didn't hear that in the sentence.

2           A.       Well, that's not the actual  
3       literal translation.

4           MR. HARMON: I object to the form  
5       of the question.

6           Q.       Is there a verb in that  
7       sentence?

8           A.       I don't know.

9           Q.       Would you agree with me that  
10      the literal translation of those words  
11      means the papers in the car?

12          A.       That's pretty close.

13          Q.       Okay. And that's not a  
14      sentence, is it?

15          A.       Well, it's not a sentence in  
16      English, but Spanish is a different  
17      language.

18          Q.       Do you know a single verb in  
19      the Spanish language?

20          A.       I'm sure I do. I --

21          Q.       Well, tell me one. Just one.

22          A.       I can't think of one right now.

23          Q.       Okay. You can't put together a

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1 single sentence in the Spanish language  
2 without reading it from a card because you  
3 can't come up with a verb; is that true?

4 A. No.

5 Q. Okay. Give me a sentence in  
6 the Spanish language including a verb.

7 A. I don't know one.

8 Q. Okay. I'll teach you one.

9 Sientese.

10 A. Sit.

11 Q. Sit down.

12 A. Yeah.

13 MR. HARMON: That's impressive,  
14 Bruce.

15 MR. MADDOX: Thank you.

16 Q. The point in time you asked  
17 about money, I believe you said dinero?

18 A. Right.

19 Q. And she didn't answer you  
20 except to say I don't speak English very  
21 well?

22 A. The second time I asked her.

23 Q. Second time. You asked it the

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1 same way the second time?

2 A. Yes.

3 Q. How did you ask it exactly?

4 A. I don't remember exactly.

5 Q. You just remember using the  
6 word dinero?

7 A. Yeah. I remember asking about  
8 money.

9 Q. Okay. But you don't know  
10 whether you asked it in Spanish, English or  
11 both?

12 A. Both. I just don't remember  
13 exactly how I phrased it.

14 Q. I see. Okay. What happened  
15 next?

16 A. I gave her the consent form,  
17 and I think she asked for her glasses. And  
18 she went up to the car to get her glasses.

19 Q. Okay. And once she got her  
20 glasses, what happened? Did she come back  
21 to your vehicle and sit down?

22 A. Uh-huh.

23 Q. Had the rain stopped then?

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1 A. I don't remember.

2 Q. Okay. So she might have gone  
3 through the rain to get her glasses?

4 A. It's possible.

5 Q. Okay. You told her to get  
6 them?

7 A. She said she needed her  
8 glasses, and I said you can go get them.

9 Q. She came back with her glasses?

10 A. Uh-huh.

11 Q. Was she free to leave then?

12 A. Not at that time, but --

13 Q. Okay.

14 A. I didn't tell her that.

15 Q. What happened next?

16 A. She read the form and would  
17 eventually sign it.

18 Q. Eventually signed it?

19 A. Uh-huh.

20 Q. Signed it when you told her to,  
21 didn't she?

22 A. No. I told her to read the  
23 form, and after she got through reading it,

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1 I gave her a pen and said if you agree with  
2 it, you can sign at the bottom.

3 Q. Did you say that in English or  
4 Spanish?

5 A. Said it in English.

6 Q. Okay. You said if you agree  
7 with it, you can sign it?

8 A. Uh-huh.

9 Q. Or did you say if you agree  
10 with it, sign it?

11 A. I don't remember the exact  
12 wording.

13 Q. Okay. What happened next?

14 A. I got out and went up and asked  
15 Mr. Sandoval if he had luggage in the  
16 vehicle, and he said he did.

17 Q. Mr. Sandoval? There was no --

18 A. I'm sorry. Mr. Barajas.

19 Q. Okay. You asked him if he had  
20 luggage. Why did you ask him if he had  
21 luggage?

22 A. If he had luggage in the  
23 vehicle that I was going to search, I

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1 needed his permission to search that  
2 luggage.

3 Q. Okay. And did you know whether  
4 there was luggage in there already because  
5 it was an open area that you could see  
6 things or what?

7 A. Yes, sir. I could see several  
8 bags in the back.

9 Q. All right. Did you ask him  
10 which luggage was his?

11 A. No, sir.

12 Q. Okay. Did he sign the consent?

13 A. Yes, sir.

14 Q. And there was a third man in  
15 the car?

16 A. Uh-huh.

17 Q. Or the second man, third  
18 person. Who was he?

19 A. Mr. Martinez.

20 Q. Okay. Did you ask him if he  
21 had luggage in the car?

22 A. I did.

23 Q. And did he sign the consent?



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1           A.       He stated he didn't have any  
2       luggage in the vehicle.

3           Q.       Okay. What happened next?

4           A.       I started searching the  
5       vehicle.

6           Q.       Okay. And what were you  
7       searching for?

8           A.       Weapons, drugs, illegal money.

9           Q.       Okay. And what happened next?

10          A.       I went to the back of the  
11       vehicle and opened up the back door and  
12       removed two bags. And the bag with the  
13       largest portion of money fell over and the  
14       zipper busted and money starting fall out  
15       of it.

16          Q.       You dropped it and the zipper  
17       busted?

18          A.       No, sir. I didn't drop it. I  
19       didn't touch it. I was moving some bags  
20       from the back, and the bag fell over.

21          Q.       Just rolled over in the car or  
22       on the ground?

23          A.       In the car.

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1 Q. In the car. And some money  
2 fell out?

3 A. Right.

4 Q. Did you determine whose luggage  
5 it was?

6 A. Not at that point.

7 Q. Tell me what happened when you  
8 saw the money.

9 A. I picked the bag back up and  
10 put the money back in it that fell out.

11 Q. Okay.

12 A. Opened up the bag beside it and  
13 saw that it was full of money. We  
14 eventually took those bags and put them in  
15 the trunk of my car.

16 Q. Okay. Did you talk to any of  
17 the people there during that time?

18 A. I think I asked Ms. Sandoval if  
19 the money belonged to her, and she said she  
20 didn't know anything about it.

21 Q. Okay. Did you ask anybody  
22 else?

23 A. I'm sure I did. I'm sure I

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1 asked the other two.

2 Q. And what did they say?

3 A. I don't remember.

4 Q. You don't remember whether  
5 anybody claimed the money or the bags?

6 A. Not right there on the  
7 roadside. I don't remember what they said.

8 Q. Did you try to determine whose  
9 bags they were?

10 A. Not at -- I don't think I did  
11 at that point. That's when we called -- I  
12 called ABI Agent Herman and told him what  
13 we had. And that's their job to interview  
14 the people in the vehicle and find out  
15 anything further.

16 Q. Okay. You're still by the  
17 road. How much time has passed by this  
18 time?

19 A. Probably about ten minutes from  
20 the time I got out of my vehicle until now.

21 Q. Okay. So you find the money.  
22 You ask people if it's theirs. You  
23 remember Ms. Sandoval said it was not hers.

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1 And you don't remember what the others  
2 said?

3 A. No. Not right off I don't  
4 remember what was said.

5 Q. Okay. The call to -- you  
6 called Agent Herman who is present here  
7 today?

8 A. Yes.

9 Q. And what did you tell him?

10 A. I told him that I was on a  
11 traffic stop and had recovered a large  
12 amount of currency.

13 Q. Okay. Did you tell him how  
14 much?

15 A. I didn't know how much.

16 Q. Okay. What happened next?

17 A. We would call for a tow truck  
18 and waited for Agent Herman to arrive.

19 Q. Okay. So you called for a tow  
20 truck for what purpose?

21 A. Well, by this time it had  
22 started to rain very hard. And we could  
23 not finish searching the vehicle on the

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1 roadside. We took it to a secure place  
2 where it was dry.

3 Q. What did you do with the  
4 occupants of the vehicle?

5 A. Ms. Sandoval rode in my vehicle  
6 and the other two occupants rode in Trooper  
7 Barnes' vehicle.

8 Q. Were they handcuffed?

9 A. No.

10 Q. Okay. Did they ride in the  
11 caged part of the vehicle that they  
12 couldn't get out of?

13 A. Ms. Sandoval was not. And I  
14 believe one rode up front with Trooper  
15 Barnes and one, of course, had to go in the  
16 back because there was nowhere else to put  
17 them.

18 Q. Were they free to leave then?

19 A. Sure.

20 Q. Okay. How?

21 A. They could have got out and  
22 walked, but I didn't want to leave them out  
23 there in the middle of the pouring rain.

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1 Q. You were going to keep the car  
2 and money by that time, weren't you?

3 A. No. We weren't planning on  
4 keeping the car that I was aware.

5 Q. When you decided to tow the  
6 vehicle, did you discuss with Ms. Sandoval  
7 that you wanted to tow her vehicle  
8 somewhere and see if she would consent to  
9 that?

10 A. I don't remember what was said  
11 about that.

12 Q. So you can't say you did, can  
13 you?

14 A. I don't remember what was said  
15 about what we're doing with the vehicle.

16 Q. It's a pretty simple question.  
17 You cannot say that you asked permission to  
18 tow the vehicle?

19 A. I can't say. I don't remember.  
20 It seems like the same thing.

21 Q. Did you have her sign a form  
22 permitting the towing of the vehicle?

23 A. No, sir.

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1 Q. Okay. If she had said, Don't  
2 take my car, I want to leave, what were you  
3 going to do about the money?

4 A. She didn't say that.

5 Q. What were you going to do about  
6 the money?

7 MR. HARMON: Object to the form.

8 A. What do you mean what was I  
9 going to do about the money?

10 Q. Were you going to keep it or  
11 let them leave with it?

12 A. They weren't leaving with the  
13 money.

14 Q. Why not?

15 A. Well, it's illegal to have that  
16 type of money in your possession and nobody  
17 claim it.

18 Q. And you knew that then?

19 A. Oh, yes.

20 Q. You said nobody claimed it?

21 A. That's right.

22 Q. I thought a minute ago you said  
23 you couldn't remember?

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1           A.       No, I didn't. I said I don't  
2 remember what they said about it.

3           Q.       Uh-huh.

4           A.       Uh-huh.

5           Q.       But now you're saying nobody  
6 claimed it?

7           A.       Mr. Barajas claimed that he  
8 found it under a tree.

9           Q.       When did he claim that?

10          A.       At the HIDTA office.

11          Q.       I'm talking about out beside  
12 the road. You said --

13          A.       Well, I've already answered  
14 your question about what was said on the  
15 side of the road. I don't remember exactly  
16 what was said about it.

17          Q.       Yes, sir. Are you saying that  
18 beside the road nobody claimed the money or  
19 the bags the money were in?

20          A.       Ms. Sandoval owned this  
21 vehicle. She was the driver. I asked her  
22 if it was her money or if she knew anything  
23 about it, and she said she did not.



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1 Q. Okay.

2 A. I don't remember what  
3 Mr. Barajas said about the money.

4 Q. All right.

5 A. Okay.

6 Q. Let's retrack some of your  
7 testimony, then. Number one, Mr. Barajas  
8 said he had luggage in the vehicle, didn't  
9 he?

10 A. Uh-huh.

11 Q. The other gentleman said he  
12 didn't have luggage in the vehicle, didn't  
13 he?

14 A. That's right.

15 Q. So the bags of money wouldn't  
16 have been that gentleman's by what they  
17 told you, would it?

18 A. Well, that's a good assumption,  
19 I guess.

20 Q. Okay. And Ms. Sandoval didn't  
21 know anything about the money?

22 A. Right.

23 Q. So who does that leave that the

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1 money must have belonged to?

2 MR. HARMON: Object to form.

3 A. Well, at that time I didn't  
4 know who it belonged to.

5 Q. You don't remember whether  
6 Barajas said that's mine or not by the  
7 road, do you?

8 A. No. That's not what I said. I  
9 said I don't remember exactly what he said.

10 Q. What did he say generally?

11 A. I don't remember.

12 Q. Okay. So you can't say he  
13 didn't claim it right then and there, can  
14 you?

15 A. I can't say he didn't claim it  
16 and I can't say he did claim it. I do not  
17 remember what he said when I asked about  
18 the money.

19 Q. Now, let's get back to what you  
20 said about you were going to keep the  
21 money, not let them leave with the money  
22 when nobody was claiming it. You don't  
23 really know whether anybody claimed it then

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1 or not, do you?

2 A. I don't remember.

3 Q. You don't remember whether you  
4 know?

5 A. I don't remember. Do you want  
6 me to take a minute and look back over the  
7 report?

8 Q. Well, if you'd like to.

9 MR. HARMON: Bruce, do you mind  
10 if we take a break?

11 MR. MADDOX: Not at all. Let's  
12 take about a ten minute  
13 break.

14 Q. Okay. You've had a chance  
15 during the break to read over your report.

16 A. Uh-huh.

17 Q. Okay. Now, did anybody at the  
18 scene of the stop tell you that the bags  
19 the money were in were theirs or that the  
20 money was theirs?

21 A. I did. I asked Barajas who the  
22 money belonged to, and he said that he  
23 found the money.

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1 Q. Okay. He said it was in his  
2 possession then?

3 A. That was all that I asked and  
4 that was his only answer. I found the  
5 money.

6 Q. Okay. Now, the point in time  
7 that we were talking about that you had  
8 called for a wrecker and folks were  
9 transported, where was the money?

10 A. In the trunk of my car.

11 Q. Okay. At what time, what point  
12 in the sequence of events did you take it  
13 out of the Toyota RAV 4 and put it into  
14 your car?

15 A. Immediately after I found it.

16 Q. So as soon as you found it, you  
17 seized it and put it in your custody and  
18 locked it in the trunk?

19 A. Right.

20 Q. Okay. What about that money at  
21 that point in time that you took possession  
22 and locked it up caused you to believe it  
23 was illegal?

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1           A.       The fact that you've got people  
2       coming from an unknown area and they can't  
3       tell you where they're coming from, their  
4       demeanor during the traffic stop, that  
5       amount of money sitting in the back of a  
6       vehicle and now two people saying they know  
7       nothing about the money and that it was  
8       found.

9           Q.       One knew something about the  
10       money?

11          A.       Sir?

12          Q.       One of them knew something  
13       about the money?

14          A.       From his statement, he had  
15       found it.

16          Q.       Mr. Barajas?

17          A.       Right.

18          Q.       Okay. You didn't get that  
19       statement until after you'd locked it in  
20       the trunk of your car, did you? Let me  
21       refresh you.

22          A.       Yes. I had put the bags in the  
23       trunk of my car and then asked.

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1 Q. As soon as you found it, you  
2 put it in the trunk of your car?

3 A. That's right.

4 Q. You locked it up and went back  
5 and started asking questions?

6 A. (Witness nodding head in the  
7 affirmative.)

8 Q. Okay. Now, what type of -- oh,  
9 let's see. It was something else I was  
10 going to ask you. If I put my glasses on,  
11 I can actually figure it out. The point in  
12 time that you called in about the vehicle  
13 registration and I guess called in about  
14 the license, did you do that with one of  
15 those data terminals in your trooper car,  
16 or did you call it in on the radio?

17 A. On the radio.

18 Q. Okay. Did you have one of  
19 those data terminals in your car?

20 A. No. No, sir.

21 Q. Do you have one now?

22 A. Yes, sir.

23 Q. Okay. The -- was it raining

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1       when you took the money out of the Toyota  
2       and put it in the trunk of your car?

3           A.       I don't remember.

4           Q.       Okay. Were -- when you  
5       questioned folks about the money after  
6       you'd locked it in the trunk of your car,  
7       were they inside the vehicle or outside?

8           A.       Ms. Sandoval was seated in the  
9       front seat of my car. And I think  
10      Mr. Barajas was standing by my car.

11          Q.       Was that because they were out  
12      for purposes of your search of the vehicle?

13          A.       Yes, sir.

14          Q.       Okay. Now, when did it start  
15      raining?

16          A.       You know, it was -- it would  
17      rain and it would stop. And it did that  
18      for about ten or fifteen minutes before it  
19      just finally started raining hard.

20          Q.       Okay. How long did it take for  
21      the wrecker to get there?

22          A.       Probably ten or fifteen  
23      minutes.

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1 Q. Okay. And did you-all stay at  
2 the scene with the car until the wrecker  
3 got there?

4 A. Yes, sir.

5 Q. Okay. Did anybody ride? Was  
6 it a commercial wrecker, or is it a law  
7 enforcement vehicle that you used to tow  
8 it?

9 A. It was a rotation wrecker, a  
10 flat bed wrecker.

11 Q. Okay. What did you do during  
12 the transport of the vehicle from the  
13 roadside to wherever you eventually went?  
14 What did you do to maintain security on the  
15 vehicle?

16 A. I stayed right behind the  
17 wrecker. Trooper Barnes and Trooper Dailey  
18 were also in the escort. One was in front  
19 and one was behind me.

20 Q. Where did y'all go?

21 A. The auto shop at the trooper  
22 post.

23 Q. And where is that?

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1 A. It's on Coliseum Boulevard.

2 Q. How long did it take you to get  
3 there?

4 A. Maybe about ten minutes.

5 Q. Ten minutes?

6 A. (Witness nodding head in the  
7 affirmative.)

8 Q. Okay. When you got there, what  
9 happened?

10 A. We pulled the vehicle into a  
11 bay and finished searching the vehicle.

12 Q. Did you find anything else of  
13 interest?

14 A. Yeah. We found the -- a drill  
15 with a Phillips head drill bit that was  
16 laying in the cargo area under the bags.  
17 That bit fit screws on the back of the  
18 seat. And those screws were all tooled up  
19 as were the screws around the back lights.

20 Q. By tooled up, what do you mean?

21 A. They'd been taken on and off  
22 several times.

23 Q. I see. So they had tool marks

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1 on them?

2 A. Right.

3 Q. Okay.

4 A. And inside of everywhere those  
5 were tooled were large natural voids. And  
6 on the back of the seat, the cloth was  
7 stretched out as if something like kilos  
8 had been stuffed in there and transported  
9 from maybe California to South Florida.

10 Q. Kilos of what?

11 A. With that type of money, I  
12 would have guessed methamphetamine.

13 Q. It's just a guess?

14 A. Sure.

15 Q. To your knowledge, were any  
16 tests run to see if there was  
17 methamphetamine residue or anything?

18 A. The dog was used and alerted in  
19 the areas that I just described.

20 Q. Were you handling that dog?

21 A. No, sir.

22 Q. Who was handling that dog?

23 A. Francisco Aponte.